

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

EAST TEXAS BAPTIST UNIVERSITY,
and
HOUSTON BAPTIST UNIVERSITY,

Plaintiffs,

v.

KATHLEEN SEBELIUS, *et al.*

Defendants.

Civil No. 12-3009
**Plaintiffs' Combined Motion for
Partial Summary Judgment and
Preliminary Injunction**

Pursuant to Federal Rule of Civil Procedure 56, Plaintiffs East Texas Baptist University and Houston Baptist University hereby move for partial summary judgment. Because there is no genuine dispute as to any fact material to Plaintiffs' claims enumerated in the accompanying memorandum of law, Plaintiffs are entitled to summary judgment as a matter of law, and respectfully request that this Court grant summary judgment in their favor on counts I, II, III, IV, V, VII and IX of their first amended complaint. *See* Fed. R. Civ. P. 56(a).

Further, Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs hereby move for a preliminary injunction for the reasons set forth in the accompanying memorandum of law. Pursuant to local rule 7.1D, Plaintiffs' counsel has conferred with counsel for Defendants concerning this motion and Defendants do not consent to the motion.

Pursuant to local rule 7.5 A, and pursuant to this Court's order, Dkt. 60, Plaintiffs hereby request oral argument on this motion on October 25, 2013.

Respectfully submitted,

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Dated: August 30, 2013

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2013, the foregoing motion was served on all counsel of record via the Court's electronic case filing (ECF) system.

/s/ *Eric C. Rassbach*

Eric C. Rassbach